

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DISCOVERY PARK COMMUNITY
ALLIANCE, *et al.*,

Petitioners,

vs.

CITY OF SEATTLE,

Respondent.

No. 2:19-cv-1105

NOTICE OF REMOVAL TO
FEDERAL DISTRICT COURT

King County Superior Court
Cause No. 19-2-17187-1 SEA

TO: THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF
WASHINGTON, AT SEATTLE:

Respondent City of Seattle (“City”) hereby provides notice that it is removing this action to the United States District Court for the Western District of Washington. The grounds for removal are:

1. On June 28, 2019, Petitioners filed a *Land Use Petition Pursuant to Land Use Petition Act; Petition for Review and Declaratory Judgment* (“Petition”) in the Superior Court of the State of Washington for King County, Cause No. 19-2-17187-1 SEA. As required by 28 U.S.C. § 1446(a), the City is attaching to this Notice a copy of the Petition (labeled as the “Complaint,” as required by

1 W.D. Wash. LCR 101(b)(1)) and the other process, pleadings, and orders served upon the City
2 (which include only the Summons and Order Setting Case Schedule).

3 2. This Notice is timely because it is filed within thirty days of service of the Petition on
4 the City on July 1, 2019. 28 U.S.C. § 1446(b).

5 3. Jurisdiction in this Court is based on federal subject matter jurisdiction pursuant to
6 28 U.S.C. § 1331, and supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a). Most of the
7 questions the Petition raises are under the Defense Base Closure and Realignment Act of 1990, Pub.
8 L. No. 101-510, Title 29, Part A (codified as amended in a note following 10 U.S.C. § 2687) (“BRAC
9 Act”), and BRAC Act regulations adopted by the U.S. Department of Housing and Urban
10 Development (24 C.F.R. Part 586) and Department of Defense (32 C.F.R. Parts 174 and 176). *See*,
11 *e.g.*, Petition at ¶¶ 7.1, 7.3, 7.4, 7.5, and 7.6.

12 4. Removal to this Court is proper because this Court is “the district court of the United
13 States for the district and division embracing the place where such action is pending,” within the
14 meaning of 28 U.S.C. § 1441(a).

15 5. Intradistrict Assignment. The City is choosing to remove to the Seattle Division of
16 this Court because the property at issue in this action is situated in King County. *See* W.D. Wash.
17 LCR 3(e)(1).

18 6. As required by 28 U.S.C. § 1446(d), the City will serve written notice of the filing of
19 this Notice on counsel for Plaintiffs, and will file a copy of this Notice with the Clerk of the Superior
20 Court of the State of Washington for King County.

21 7. Concurrent with this Notice, the City is also filing a Verification of State Court
22 Records. *See* W.D. Wash. LCR 101(c).

1 DATED July 17, 2019.

2 PETER S. HOLMES
3 Seattle City Attorney

4 By: s/Patrick Downs, WSBA # 25276
5 s/Roger D. Wynne, WSBA #23399
6 Assistant City Attorneys
7 Seattle City Attorney's Office
8 701 Fifth Avenue, Suite 2050
9 Seattle, WA 98104-7097
10 Ph: (206) 684-8200
11 Fax: (206) 684-8284
12 E-mail: patrick.downs@seattle.gov
13 roger.wynne@seattle.gov
14 *Attorneys for Respondent City of Seattle*
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CERTIFICATE OF SERVICE

I certify that on this day I electronically filed this document and its three attachments with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Daniel J. Frohlich, WSBA #31437
Thomas L. Dickson, WSBA #11802
Dickson Frohlich, PS
1200 East D Street
Tacoma, WA 98421
Phone: (253) 572-1000
Email: dfrohlich@dicksonlegal.com
tdickson@dicksonlegal.com
Attorneys for Petitioner

I also certify that on this day I sent a copy of this document and its three attachments to the same individuals and Kimberly J. Lampman (klampman@dicksonlegal.com) via e-mail.

Dated this 17th day of July, 2019, at Seattle, Washington.

s/Alicia Reise
ALICIA REISE, Legal Assistant